

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05CV78-MU-02  
(3:93CR215-04-MU)

JERMAINE MAURICE PADGETT, )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
Respondent. )  
\_\_\_\_\_ )

ORDER

**THIS MATTER** comes before the Court on petitioner's "Motion To Reconsider Pursuant To Rule 59(e)," filed March 3, 2006.

The record of this matter shows that on February 22, 2005, the petitioner filed a Motion to Vacate his 1994 convictions and/or sentence. However, after careful review, this Court determined that the petitioner's Motion was untimely filed. Therefore, by Order filed February 17, 2006, the Court dismissed the petitioner's Motion to Vacate as a time-barred Motion.

Now, by the instant Motion, the petitioner essentially does not seek to challenge the Court's determination about the timeliness of his Motion, but instead has focused his efforts on what he perceives as the potential merit of the claims which he was seeking to raise in his Motion to Vacate. Suffice it to say, however, the petitioner cannot prevail in this effort.

To put it simply, the Court determined that the petitioner's Motion to Vacate was filed outside of the one-year limitations period set forth in the Antiterrorism and Effective Death Penalty Act of 1996. Unfortunately, the instant Motion fails to argue or otherwise convince the Court that such determination was erroneous. Accordingly, the instant Motion to Reconsider will be denied.

**SO ORDERED.**

Signed: April 4, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

